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Center

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

OREGON RESTAURANT AND LODGING  
ASSOCIATION, an Oregon Domestic Non-  
Profit Corporation; and RESTAURANT LAW  
CENTER,

Plaintiffs,

v.

KATE BROWN, in her official capacity as the  
Governor of the State of Oregon,

Defendant.

Case No. 3:20-cv-2017

DECLARATION OF JASON BRANDT  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR TEMPORARY  
RESTRAINING ORDER

EXPEDITED CONSIDERATION  
REQUESTED

HEARING REQUESTED

I, Jason Brandt, hereby declare:

1. I am the President and Chief Executive Officer for the Oregon Restaurant and  
Lodging Association ("ORLA"), a named plaintiff in the above-entitled matter. I make this

declaration based upon my personal knowledge, and I am competent to testify to the matters stated in this declaration. I make this declaration in support of *Plaintiffs' Motion for Temporary Restraining Order*.

2. ORLA Represents 2400 member locations in Oregon in the food service and hospitality industries. ORLA is authorized to represent the interests of its members with regard to Oregon Governor Brown's Executive Order EO 20-65, and especially the effects of the "two week freeze" and closure on ORLA's members.

3. Many ORLA members have purchased and constructed distancing structures for indoor and outdoor use, and outdoor seating equipment, such as canopies, heaters, tables and chairs, in reliance on the previous executive orders of the Governor, and state guidance for safe social distancing and safe operation of restaurants.

4. As businesses, ORLA's members are very reluctant to discuss the financial impact on them, publicly. However, in my capacity as president of the ORLA, I am authorized by ORLA's members to affirm the following. Among ORLA's food service members, there are generally two classes of members, those with a single location, and those with multiple locations. A number of single member location owners are likely to lay off employees and close permanently. A number of multiple member location owners are likely to lay off employees and close some locations permanently. Both are a direct result of EO 20-65.

5. Restaurants are subject to commercial building code standards of the Oregon Building Codes Division, to provide adequate ventilation for safe and sanitary airflow in the 2019 Oregon Mechanical Specialty Code, which are in excess of the ventilation required for residences. The codes are available at the state website,

<https://codes.iccsafe.org/content/OMSC2019P1/chapter-4->

[ventilation#OMSC2019P1\\_Ch04\\_Sec402](#), especially table 403.3.1.1, which sets out ventilation for outside air required by restaurants and food service establishments.

6. ORLA members need to open for the Thanksgiving week in order to be able to employ and pay their thousands of employees, and to participate in the busy Thanksgiving week, during which substantial numbers of customers dine out at ORLA member restaurants. Thanksgiving is usually a busy dining week at restaurants.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY OF PERJURY.

DATED this 20<sup>th</sup> day of November, 2020.

By: s/Jason Brandt  
Jason Brandt